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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/678,885      | 10/03/2000  | Daniel F. White      | 9236                | 4770             |

26884 7590 02/09/2004

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DAYTON, OH 45479-0001

EXAMINER

RUDY, ANDREW J

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3627

DATE MAILED: 02/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/678,885

Applicant(s)

WHITE, DANIEL E.

Examiner

Andrew Joseph Rudy

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s)-filed on 24 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,4-6,9-11,14-16,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) 11,14-16,19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-6,9 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group I, claims 1, 4-6, 9 and 10, in Paper No. 6 received November 24, 2003 (having a Certificate of Mailing dated 11/21/03) is acknowledged. Applicant previously cancelled claims 2, 3, 7, 8, 12, 13, 17 and 18.

2. Claims 11, 14-16, 19 and 20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 6. Applicant is correct in pointing out that claim 19 belongs with non-elected Group II. The Examiner regrets this inadvertent omission.

Applicant did not address the species requirement from Paper No. 5. Thus, the independent claims 1 and 6 are deemed to comprise similar species.

### ***Response to Amendment***

#### ***Claim Rejections - 35 USC § 103***

3. Applicant's September 2, 2003 Amendment (having a Certificate of Mailing dated 08/27/03) has been received. The previous 35 U.S.C. 103(a) rejection from Paper No. 3 is withdrawn pursuant to the Amendment and the REMARKS contained therein.

4. Claims 1, 4-6, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coskrey, IV, US 6,676,016 in view of Hayashi, US 4,739,295.

Coskrey discloses a method of processing a purchase transaction on a retail terminal 10 where a digital receipt of the purchase transaction, e.g. col. 6, lines 3-32, may be e-mailed to a first party's e-mail account, e.g. col. 6, lines 55-67. Coskrey does not explicitly disclose modifying or omitting the digital receipt of the purchase transaction. It is noted that in a restaurant environment, it is common knowledge that transaction receipts, e.g. restaurant bill for food/drinks provided to the customer, are modified at a cash register at the request of a retail customer after receiving an initial bill. Applicant's "permitting a party to omit via the retail terminal certain purchase transaction datum of the acquired purchase transaction data to create a modified purchase transaction record" as recited in amended claim 6 (similar language is found in amended claim 1) would fall under this umbrella of common knowledge information.

Hayashi discloses modified transaction data in a data storage system, e.g. col. 1, lines 12-42.

To have provided a modified purchase transaction digital receipt for Coskrey would have been obvious to one of ordinary skill in the art in view of Hayashi. The motivation of providing a receipt reflective of the change/modification to the transaction for client/customer record keeping data storage system for Coskrey, would have been obvious in view of the suggestion of Hayashi. Doing such would provide common knowledge modified purchase transaction records for the system of Coskrey, as modified by Hayashi.

5. Stevens, III, US 5,838,798, discloses host computer 12 storing modified transaction data.  
See attached PTO-892.

*Conclusion*


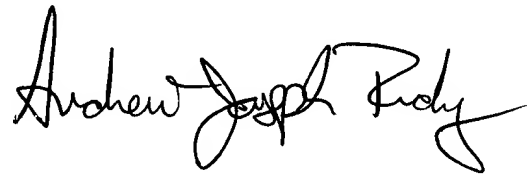
6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 703-308-7808. The examiner can normally be reached on Tuesday thru Friday, 7:30 a.m until 6 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Richard Chilcot  
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3-12